

18178. Misbranding of Kata-Rrol. U. S. v. 290 Bottles of Kata-Rrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25354. I. S. No. 5708. S. No. 3605.)

Examination of samples of a drug product, known as Kata-Rrol, from the herein-described lot, having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On November 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 290 bottles of Kata-Rrol, alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sugar, water, glycerin, guaiacol, menthol, alcohol, and extracts of plant materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular, translation from Spanish) "Tuberculosis, Bronchitis, Influenza, Catarrhs, For Broncho-Pulmonary Affections, Cough, Bronchitis, Hoarseness, etc. * * * antiseptic of the respiratory tract * * * tuberculosis * * * the best remedy for treating tuberculosis is creosote. Kata-Rrol contains a large dose per * * * in the preparation of Kata-Rrol enter the best ingredients which modern science has located for the treatment of Asthma, Influenza, Bronchitis, spasmodic cough, night sweats and tuberculosis * * * antiseptic, regenerating * * * properties for the throat, bronchi and lungs. Kata-Rrol may be taken by persons of the most delicate stomachs without producing the least irritation. The results obtained are rapid and sure * * * it brings the broncho-pulmonary secretions to their normal condition." Misbranding was alleged for the further reason that the design, appearing in the circular accompanying the article, of lungs, heart, and trachea, in connection with the words, "Tuberculosis, Bronchitis, Influenza, and Catarrhs," was false and misleading.

On January 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18179. Misbranding of Delmar's rheumatic remedy. U. S. v. 39 Bottles of Delmar's Rheumatic Remedy. Default decree of condemnation and destruction. (F. & D. No. 25668. I. S. No. 9320. S. No. 3821.)

Examination of a drug product, known as Delmar's rheumatic remedy, from the lot herein described having shown that the bottle and carton labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, also that the label bore an incorrect statement of the quantity of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On January 15, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 39 bottles of Delmar's rheumatic remedy, alleging that the article was in possession of the Glyza Chemical Co., Washington, D. C., and was being offered for sale by said company in the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (7½ per cent), small proportions of an arsenic compound, a salicylate, other organic matter, alcohol (4.2 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Rheumatic Remedy * * * Two teaspoonfuls in half glass of water after meals, 3 times daily * * * Facts About Rheumatism. The Great Doctors of today tell us that rheumatism in all its forms, is simply

a disease of the blood, and can only be eradicated from the system, by a medicine which acts directly upon the blood; and we are pleased to say, after an experience of forty years, that such a medicine is Delmar's Rheumatic Remedy. Our records show that it does not fail once in twenty-four (24) times. * * * Our advice is to take four bottles as a surety of result. The cost of this amount (\$4.00) is not to be compared with the perfect freedom from pain which this Remedy will bring to you, if you give it a fair trial;" (carton) "Rheumatic Remedy. An Internal Medicine for Chronic Rheumatism. * * * It Seldom Fails to Give Relief. * * * Acts Satisfactorily in Chronic Rheumatism without Drugging the system with injurious compounds;" (circular) "Rheumatism. If you will ask your family physician, he will tell you, as we do in all sincerity, after an experience of fifty years in this business, that rheumatism is a disease of the blood, and the only way on earth that it can be eradicated from the system is by the use of an active internal medicine, preferably a liquid, which acts directly upon the blood tissues. This plan of treatment is well recognized by the leading medical practitioners throughout the world as the proper method for rheumatic conditions. It eliminates the use of liniments, lotions, plasters and similar external appliances. This great preparation, Delmar's Rheumatic Remedy, is a liquid which penetrates to the very seat of the disease, namely the blood, for which it has been used and successfully demonstrated for more than fifty years. It is with a great deal of pride that we are able to state that our records show that this remedy cures 24 times in 26 trials all forms of rheumatism that are curable with medicine. In keeping pace with the march of progress in medical research, Delmar's Rheumatic Remedy is praised and recommended more highly today for its wonderful curative properties than it was half a century ago, when the worst forms possible of this terrible disorder yielded to this remedy. * * * Many sufferers from Rheumatic Gout and Neuritis use this remedy with perfect success, so do not hesitate to give it a trial. It will not disappoint you. * * * [Testimonials] For the past seven years my wife was a great sufferer from Rheumatism which at times assumed a very malignant form, and for days and nights deprived her of rest. Our attention was called to 'Dr. Delmar's Rheumatic Remedy.' After taking this remedy eight or ten days she was free from pain and a cure effected. I am glad to be able to speak in terms of commendation of this truly wonderful medicine, which I firmly believe will cure any case of rheumatism * * * I have frequently purchased Delmar's Rheumatic Remedy for old soldiers and friends suffering with rheumatism, and in every instance it worked like magic. * * * I was suffering Intensely from rheumatism. I began to use Delmar's Rheumatic Remedy and am Satisfied that I have been permanently cured. * * * Was cured of a bad attack of rheumatism by Delmar's Rheumatic Remedy. * * * I cheerfully state that I used Delmar's Rheumatic Remedy with Marked Benefit, * * * It cures Rheumatism * * * Many people in Maryland have been cured of rheumatism by Delmar's Rheumatic Remedy. * * * No medical preparation has given so much satisfaction to our rheumatic sufferers as Delmar's Rheumatic Remedy. * * * It has created a stir among the rheumatic sufferers of our country." Misbranding was alleged for the further reason that the statement on the carton, "Alcohol 10%," was false and misleading, when applied to an article containing a less amount; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect.

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18180. Misbranding of Hall's I-N-T Iron & Nux tonic. U. S. v. 13 Bottles of Hall's I-N-T Iron & Nux Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26033. I. S. No. 16204. S. No. 4273.)

Examination of a sample of a drug product, known as Hall's I-N-T Iron & Nux tonic, from the shipment herein described having shown that the carton and bottle labels contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On or about March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure